



Paper No. 10

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OFFICE OF PETITIONS

ON PETITION

In re Application of  
Shimkets et al.  
Application No. 10/023,634  
Filed: December 17, 2001  
Attorney Docket No. 21402-221 (Cura 521)

This decision concerns the August 13, 2002 petition that the above-identified application be accorded a filing date of December 17, 2001.

The petition is **GRANTED**.

The petition is based on the argument that the application was deposited on December 17, 2001 in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" service pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of the USPS "Express Mail" mailing label bearing the number "ET318103882US." While the "date-in" entry is not legible, this mailing label includes an official USPS stamp containing the date "December 17, 2002." Information on the USPS official website further confirms that the application papers were accepted by the USPS "Express Mail" service on December 17, 2001 at 10:44 pm. The same mailing label number also appears on the transmittal letter that itemizes the application papers and fees being mailed on that day. The petition is thus granted. No fee is required for a petition under 37 CFR 1.10.<sup>1</sup>

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 17, 2001, and for issuance of a corrected filing receipt reflecting this filing date. Thereafter, the application will be forwarded to Technology Center 1600 for examination in due course.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

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<sup>1</sup> Under 37 CFR 1.10(c), any person filing correspondence received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS may petition the Commissioner if there is a discrepancy between the filing date accorded by the Office and the date of deposit shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. The petition is being properly treated as a §1.10(c) petition.